

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN SENATE APRIL 10, 2013

SENATE BILL

No. 299

Introduced by Senator DeSaulnier

(Principal coauthor: Assembly Member Alejo)

(Coauthor: Assembly Member Ting)

February 15, 2013

An act to amend Sections 16520, 26835, ~~27535~~, and ~~29805~~ and 27535 of, and to add Division 4.5 (commencing with Section 25250) to Title 4 of Part 6 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 299, as amended, DeSaulnier. Firearms: lost or stolen: reports.

(1) Existing law requires each sheriff or police chief executive to submit descriptions of serialized property, or nonserialized property that has been uniquely inscribed, which has been reported stolen, lost, or found directly into the appropriate Department of Justice automated property system for firearms, stolen bicycles, stolen vehicles, or other property. Existing law requires that information about a firearm entered into the automated system for firearms remain in the system until the reported firearm has been found. Existing law requires the Department of Justice to implement an electronic system to receive comprehensive tracing information from each local law enforcement agency and to forward the information to the National Tracing Center.

This bill would require every person, with exceptions, to report the theft or loss of a firearm he or she owns or possesses to a local law

enforcement agency in the jurisdiction in which the theft or loss occurred within 7 days of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, and requires every person who has reported a firearm lost or stolen to notify the local law enforcement agency within 48 hours if the firearm is subsequently recovered. The bill would make a violation of these provisions an infraction punishable by a fine not to exceed \$100 for a first offense, an infraction punishable by a fine not to exceed \$1,000 for a 2nd offense, and a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not to exceed \$1,000, or both that fine and imprisonment, for a 3rd or subsequent offense. The bill would make ~~it a misdemeanor~~ *an infraction* for any person to make a report to a local law enforcement agency that a firearm has been lost or stolen, knowing the report to be false. The bill would not preclude or preempt a local ordinance that imposes additional penalties or requirements in regard to reporting the theft or loss of a firearm.

By creating new crimes, this bill would impose a state-mandated local program.

The bill would require every sheriff or police chief to submit a description of each firearm that has been reported lost or stolen directly to the Department of Justice Automated Firearms System.

By imposing new duties on local agencies, this bill would impose a state-mandated local program.

The bill would also require that persons licensed to sell firearms post a warning within the licensed premises in block letters stating the requirement that a lost or stolen firearm be reported to a local law enforcement agency, ~~as specified, and that falsely reporting a firearm lost or stolen will result in the loss of the person's right to possess a firearm or ammunition for 10 years, as specified.~~ *specified.*

(2) Existing law prohibits a person from making an application to purchase more than one handgun within any 30-day period. Existing law makes an exception for the replacement of a handgun when the person's handgun was lost or stolen and the person reported the firearm lost or stolen prior to the completion of the application to purchase.

This bill would instead make the exception for the replacement of a lost or stolen handgun applicable when the person has reported the handgun lost or stolen pursuant to the provisions of this bill.

~~(3) Existing law, subject to exceptions, provides that any person who has been convicted of certain misdemeanors may not, within 10 years of the conviction, own, purchase, receive, possess, or have under his~~

~~or her custody or control, any firearm. Existing law also prohibits a person who is prohibited from possessing a firearm from possessing ammunition. Under existing law, a violation of this prohibition is punishable as a crime.~~

~~This bill would apply the above 10-year prohibition on the possession of a firearm to any person who makes a report to a local law enforcement agency that a firearm has been lost or stolen, knowing the report to be false. By creating a new crime, this bill would impose a state-mandated local program.~~

(3) This bill would incorporate additional changes to Section 16520 of the Penal Code made by this bill and AB 500, and additional changes to Section 26835 of the Penal Code made by this bill and AB 231, to take effect if either or both of those bills are chaptered and this bill is chaptered last.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 16520 of the Penal Code is amended to
- 2 read:
- 3 16520. (a) As used in this part, “firearm” means any device,
- 4 designed to be used as a weapon, from which is expelled through
- 5 a barrel, a projectile by the force of any explosion or other form
- 6 of combustion.
- 7 (b) As used in the following provisions, “firearm” includes the
- 8 frame or receiver of the weapon:
- 9 (1) Section 16550.
- 10 (2) Section 16730.
- 11 (3) Section 16960.
- 12 (4) Section 16990.

- 1 (5) Section 17070.
- 2 (6) Section 17310.
- 3 (7) Sections 25250 to 25275, inclusive.
- 4 (8) Sections 26500 to 26588, inclusive.
- 5 (9) Sections 26600 to 27140, inclusive.
- 6 (10) Sections 27400 to 28000, inclusive.
- 7 (11) Section 28100.
- 8 (12) Sections 28400 to 28415, inclusive.
- 9 (13) Sections 29010 to 29150, inclusive.
- 10 (14) Sections 29610 to 29750, inclusive.
- 11 (15) Sections 29800 to 29905, inclusive.
- 12 (16) Sections 30150 to 30165, inclusive.
- 13 (17) Section 31615.
- 14 (18) Sections 31705 to 31830, inclusive.
- 15 (19) Sections 34355 to 34370, inclusive.
- 16 (20) Sections 8100, 8101, and 8103 of the Welfare and
- 17 Institutions Code.
- 18 (c) As used in the following provisions, “firearm” also includes
- 19 any rocket, rocket propelled projectile launcher, or similar device
- 20 containing any explosive or incendiary material, whether or not
- 21 the device is designed for emergency or distress signaling purposes:
- 22 (1) Section 16750.
- 23 (2) Subdivision (b) of Section 16840.
- 24 (3) Section 25400.
- 25 (4) Sections 25850 to 26025, inclusive.
- 26 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 27 (6) Sections 26035 to 26055, inclusive.
- 28 (d) As used in the following provisions, “firearm” does not
- 29 include an unloaded antique firearm:
- 30 (1) Subdivisions (a) and (c) of Section 16730.
- 31 (2) Section 16550.
- 32 (3) Section 16960.
- 33 (4) Section 17310.
- 34 (5) Division 4.5 (commencing with Section 25250) of Title 4.
- 35 (6) Chapter 6 (commencing with Section 26350) of Division 5
- 36 of Title 4.
- 37 (7) Chapter 7 (commencing with Section 26400) of Division 5
- 38 of Title 4.
- 39 (8) Sections 26500 to 26588, inclusive.
- 40 (9) Sections 26700 to 26915, inclusive.

1 (10) Section 27510.

2 (11) Section 27530.

3 (12) Section 27540.

4 (13) Section 27545.

5 (14) Sections 27555 to 27570, inclusive.

6 (15) Sections 29010 to 29150, inclusive.

7 (e) As used in Sections 34005 and 34010, “firearm” does not
8 include a destructive device.

9 (f) As used in Sections 17280 and 24680, “firearm” has the
10 same meaning as in Section 922 of Title 18 of the United States
11 Code.

12 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
13 includes the unfinished frame or receiver of a weapon that can be
14 readily converted to the functional condition of a finished frame
15 or receiver.

16 *SEC. 1.5. Section 16520 of the Penal Code is amended to read:*

17 16520. (a) As used in this part, “firearm” means ~~a~~ any device,
18 designed to be used as a weapon, from which is expelled through
19 a barrel, a projectile by the force of ~~an~~ any explosion or other form
20 of combustion.

21 (b) As used in the following provisions, “firearm” includes the
22 frame or receiver of the weapon:

23 (1) Section 16550.

24 (2) Section 16730.

25 (3) Section 16960.

26 (4) Section 16990.

27 (5) Section 17070.

28 (6) Section 17310.

29 (7) *Sections 25250 to 25275, inclusive.*

30 ~~(7)~~

31 (8) Sections 26500 to 26588, inclusive.

32 ~~(8)~~

33 (9) Sections 26600 to 27140, inclusive.

34 ~~(9)~~

35 (10) Sections 27400 to 28000, inclusive.

36 ~~(10)~~

37 (11) Section 28100.

38 ~~(11)~~

39 (12) Sections 28400 to 28415, inclusive.

40 ~~(12)~~

- 1 (13) Sections 29010 to 29150, inclusive.
2 ~~(13)~~
3 (14) Sections 29610 to 29750, inclusive.
4 ~~(14)~~
5 (15) Sections 29800 to 29905, inclusive.
6 ~~(15)~~
7 (16) Sections 30150 to 30165, inclusive.
8 ~~(16)~~
9 (17) Section 31615.
10 ~~(17)~~
11 (18) Sections 31705 to 31830, inclusive.
12 ~~(18)~~
13 (19) Sections 34355 to 34370, inclusive.
14 ~~(19)~~
15 (20) Sections 8100, 8101, and 8103 of the Welfare and
16 Institutions Code.
17 (c) As used in the following provisions, “firearm” also includes
18 a *any* rocket, rocket propelled projectile launcher, or similar device
19 containing ~~an~~ *any* explosive or incendiary material, whether or not
20 the device is designed for emergency or distress signaling purposes:
21 (1) Section 16750.
22 (2) Subdivision (b) of Section 16840.
23 (3) Section 25400.
24 (4) Sections 25850 to 26025, inclusive.
25 (5) Subdivisions (a), (b), and (c) of Section 26030.
26 (6) Sections 26035 to 26055, inclusive.
27 (d) As used in the following provisions, “firearm” does not
28 include an unloaded antique firearm:
29 (1) Subdivisions (a) and (c) of Section 16730.
30 (2) Section 16550.
31 (3) Section 16960.
32 (4) Section 17310.
33 (5) *Division 4.5 (commencing with Section 25250) of Title 4.*
34 ~~(5)~~
35 (6) Chapter 6 (commencing with Section 26350) of Division 5
36 of Title 4.
37 ~~(6)~~
38 (7) Chapter 7 (commencing with Section 26400) of Division 5
39 of Title 4.
40 ~~(7)~~

1 (8) Sections 26500 to 26588, inclusive.

2 ~~(8)~~

3 (9) Sections 26700 to 26915, inclusive.

4 ~~(9)~~

5 (10) Section 27510.

6 ~~(10)~~

7 (11) Section 27530.

8 ~~(11)~~

9 (12) Section 27540.

10 ~~(12)~~

11 (13) Section 27545.

12 ~~(13)~~

13 (14) Sections 27555 to 27570, inclusive.

14 ~~(14)~~

15 (15) Sections 29010 to 29150, inclusive.

16 (16) *Section 25135.*

17 (e) As used in Sections 34005 and 34010, “firearm” does not
18 include a destructive device.

19 (f) As used in Sections 17280 and 24680, “firearm” has the
20 same meaning as in Section 922 of Title 18 of the United States
21 Code.

22 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
23 includes the unfinished frame or receiver of a weapon that can be
24 readily converted to the functional condition of a finished frame
25 or receiver.

26 SEC. 2. Division 4.5 (commencing with Section 25250) is
27 added to Title 4 of Part 6 of the Penal Code, to read:

28
29 DIVISION 4.5. LOST OR STOLEN FIREARMS
30

31 25250. (a) Commencing January 1, 2014, every person shall
32 report the theft or loss of a firearm he or she owns or possesses to
33 a local law enforcement agency in the jurisdiction in which the
34 theft or loss occurred within seven days of the time he or she knew
35 or reasonably should have known that the firearm had been stolen
36 or lost.

37 (b) Every person who has reported a firearm lost or stolen under
38 subdivision (a) shall notify the local law enforcement agency in
39 the jurisdiction in which the theft or loss occurred within 48 hours
40 if the firearm is subsequently recovered by the person.

1 25255. Section 25250 shall not apply to the following:

2 (a) Any law enforcement agency or peace officer acting within
3 the course and scope of his or her employment or official duties
4 if he or she reports the loss or theft to his or her employing agency.

5 (b) Any United States marshal or member of the Armed Forces
6 of the United States or the National Guard, while engaged in his
7 or her official duties.

8 (c) Any person who is licensed, pursuant to Chapter 44
9 (commencing with Section 921) of Title 18 of the United States
10 Code and the regulations issued pursuant thereto, and who reports
11 the theft or loss in accordance with Section 923(g)(6) of Title 18
12 of the United States Code, or the successor provision thereto, and
13 applicable regulations issued thereto.

14 (d) Any person whose firearm was lost or stolen prior to January
15 1, 2014.

16 25260. Pursuant to Section 11108, every sheriff or police chief
17 shall submit a description of each firearm which has been reported
18 lost or stolen directly into the Department of Justice Automated
19 Firearms System.

20 25265. (a) Every person who violates Section 25250 is, for a
21 first violation, guilty of an infraction punishable by a fine not to
22 exceed one hundred dollars (\$100).

23 (b) Every person who violates Section 25250 is, for a second
24 violation, guilty of an infraction, punishable by a fine not exceeding
25 one thousand dollars (\$1,000).

26 (c) Every person who violates Section 25250 is, for a third or
27 subsequent violation, guilty of a misdemeanor, punishable by
28 imprisonment in a county jail not exceeding six months, or by a
29 fine not exceeding one thousand dollars (\$1,000), or by both that
30 fine and imprisonment.

31 25270. Every person reporting a lost or stolen firearm pursuant
32 to Section 25250 shall report the make, model, and serial number
33 of the firearm, if known by the person.

34 25275. Commencing January 1, 2014, no person shall report
35 to a local law enforcement agency that a firearm has been lost or
36 stolen, knowing the report to be false. A violation of this section
37 ~~is a misdemeanor.~~ *an infraction, punishable by a fine not exceeding*
38 *two hundred fifty dollars (\$250) for a first offense, and by a fine*
39 *not exceeding one thousand dollars (\$1,000) for a second or*
40 *subsequent offense.*

1 25280. This division does not preclude or preempt a local
2 ordinance that imposes additional penalties or requirements in
3 regard to reporting the theft or loss of a firearm.

4 SEC. 3. Section 26835 of the Penal Code is amended to read:

5 26835. A licensee shall post conspicuously within the licensed
6 premises the following warnings in block letters not less than one
7 inch in height:

8
9 (a) “IF YOU KEEP A LOADED FIREARM WITHIN ANY
10 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
11 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
12 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
13 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
14 MISDEMEANOR OR A FELONY UNLESS YOU STORED
15 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
16 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
17 FROM TEMPORARILY FUNCTIONING.”

18 (b) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
19 FIREARM CAPABLE OF BEING CONCEALED UPON THE
20 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY
21 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE
22 GAINS ACCESS TO THE FIREARM, AND CARRIES IT
23 OFF-PREMISES, YOU MAY BE GUILTY OF A
24 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
25 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
26 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY
27 FUNCTIONING.”

28 (c) “IF YOU KEEP ANY FIREARM WITHIN ANY
29 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
30 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
31 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
32 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE
33 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
34 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU
35 STORED THE FIREARM IN A LOCKED CONTAINER, OR
36 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

37 (d) “DISCHARGING FIREARMS IN POORLY VENTILATED
38 AREAS, CLEANING FIREARMS, OR HANDLING
39 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A
40 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,

1 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL
2 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.
3 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

4 (e) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
5 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
6 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
7 DAYS AFTER YOU COMPLETE THE INITIAL
8 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
9 TO GO THROUGH THE BACKGROUND CHECK PROCESS
10 A SECOND TIME IN ORDER TO TAKE PHYSICAL
11 POSSESSION OF THAT FIREARM.”

12 (f) “NO PERSON SHALL MAKE AN APPLICATION TO
13 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
14 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON
15 THE PERSON WITHIN ANY 30-DAY PERIOD AND NO
16 DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS
17 MADE AN APPLICATION TO PURCHASE MORE THAN ONE
18 PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF
19 BEING CONCEALED UPON THE PERSON WITHIN ANY
20 30-DAY PERIOD.”

21 (g) “IF A FIREARM YOU OWN OR POSSESS IS LOST OR
22 STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A
23 LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS
24 OR THEFT OCCURRED WITHIN SEVEN DAYS OF THE TIME
25 YOU KNEW OR REASONABLY SHOULD HAVE KNOWN
26 THAT THE FIREARM HAD BEEN LOST OR STOLEN.”

27 ~~(h) “IF YOU FALSELY REPORT THAT A FIREARM YOU~~
28 ~~OWN OR POSSESS IS LOST OR STOLEN, YOU FACE~~
29 ~~CRIMINAL PROSECUTION AND LOSS OF YOUR RIGHT~~
30 ~~TO POSSESS A FIREARM OR AMMUNITION FOR 10~~
31 ~~YEARS.”~~

32 —

33 *SEC. 3.5. Section 26835 of the Penal Code is amended to read:*
34 26835. A licensee shall post conspicuously within the licensed
35 premises the following warnings in block letters not less than one
36 inch in height:

37
38 (a) “IF YOU KEEP A LOADED FIREARM WITHIN ANY
39 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
40 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND

1 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
2 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
3 MISDEMEANOR OR A FELONY UNLESS YOU STORED
4 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
5 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
6 FROM TEMPORARILY FUNCTIONING.”

7 (b) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
8 FIREARM CAPABLE OF BEING CONCEALED UPON THE
9 PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY
10 OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE
11 GAINS ACCESS TO THE FIREARM, AND CARRIES IT
12 OFF-PREMISES, YOU MAY BE GUILTY OF A
13 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
14 A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH
15 A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY
16 FUNCTIONING.”

17 (c) “IF YOU KEEP ANY FIREARM WITHIN ANY
18 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
19 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
20 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
21 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE
22 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
23 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU
24 STORED THE FIREARM IN A LOCKED CONTAINER, OR
25 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

26 (d) “IF YOU NEGLIGENTLY STORE OR LEAVE A LOADED
27 FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY
28 OR CONTROL, WHERE A PERSON UNDER 18 YEARS OF AGE
29 IS LIKELY TO ACCESS IT, YOU MAY BE GUILTY OF A
30 MISDEMEANOR, INCLUDING A FINE OF UP TO ONE
31 THOUSAND DOLLARS (\$1,000), UNLESS YOU STORE THE
32 FIREARM IN A LOCKED CONTAINER, OR LOCK THE
33 FIREARM WITH A LOCKING DEVICE.”

34 (d)

35 (e) “DISCHARGING FIREARMS IN POORLY VENTILATED
36 AREAS, CLEANING FIREARMS, OR HANDLING
37 AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A
38 SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS,
39 REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL

1 INJURY. HAVE ADEQUATE VENTILATION AT ALL TIMES.
2 WASH HANDS THOROUGHLY AFTER EXPOSURE.”

3 (e)

4 (f) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
5 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
6 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
7 DAYS AFTER YOU COMPLETE THE INITIAL
8 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
9 TO GO THROUGH THE BACKGROUND CHECK PROCESS
10 A SECOND TIME IN ORDER TO TAKE PHYSICAL
11 POSSESSION OF THAT FIREARM.”

12 (f)

13 (g) “NO PERSON SHALL MAKE AN APPLICATION TO
14 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
15 OTHER FIREARM CAPABLE OF BEING CONCEALED UPON
16 THE PERSON WITHIN ANY 30-DAY PERIOD AND NO
17 DELIVERY SHALL BE MADE TO ANY PERSON WHO HAS
18 MADE AN APPLICATION TO PURCHASE MORE THAN ONE
19 PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF
20 BEING CONCEALED UPON THE PERSON WITHIN ANY
21 30-DAY PERIOD.”

22 (h) “*IF A FIREARM YOU OWN OR POSSESS IS LOST OR*
23 *STOLEN, YOU MUST REPORT THE LOSS OR THEFT TO A*
24 *LOCAL LAW ENFORCEMENT AGENCY WHERE THE LOSS*
25 *OR THEFT OCCURRED WITHIN SEVEN DAYS OF THE TIME*
26 *YOU KNEW OR REASONABLY SHOULD HAVE KNOWN THAT*
27 *THE FIREARM HAD BEEN LOST OR STOLEN.*”

28
29 SEC. 4. Section 27535 of the Penal Code is amended to read:
30 27535. (a) No person shall make an application to purchase
31 more than one handgun within any 30-day period.

32 (b) Subdivision (a) shall not apply to any of the following:

33 (1) Any law enforcement agency.

34 (2) Any agency duly authorized to perform law enforcement
35 duties.

36 (3) Any state or local correctional facility.

37 (4) Any private security company licensed to do business in
38 California.

39 (5) Any person who is properly identified as a full-time paid
40 peace officer, as defined in Chapter 4.5 (commencing with Section

830) of Title 3 of Part 2, and who is authorized to, and does carry a firearm during the course and scope of employment as a peace officer.

(6) Any motion picture, television, or video production company or entertainment or theatrical company whose production by its nature involves the use of a firearm.

(7) Any person who may, pursuant to Article 2 (commencing with Section 27600), Article 3 (commencing with Section 27650), or Article 4 (commencing with Section 27700), claim an exemption from the waiting period set forth in Section 27540.

(8) Any transaction conducted through a licensed firearms dealer pursuant to Chapter 5 (commencing with Section 28050).

(9) Any person who is licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and has a current certificate of eligibility issued by the Department of Justice pursuant to Article 1 (commencing with Section 26700) of Chapter 2.

(10) The exchange of a handgun where the dealer purchased that firearm from the person seeking the exchange within the 30-day period immediately preceding the date of exchange or replacement.

(11) The replacement of a handgun when the person's handgun was lost or stolen, and the person reported that firearm lost or stolen pursuant to Section 25250 prior to the completion of the application to purchase the replacement handgun.

(12) The return of any handgun to its owner.

(13) A community college that is certified by the Commission on Peace Officer Standards and Training to present the law enforcement academy basic course or other commission-certified law enforcement training.

~~SEC. 5. Section 29805 of the Penal Code is amended to read:~~
~~29805. Except as provided in Section 29855 or subdivision (a) of Section 29800, any person who has been convicted of a misdemeanor violation of Section 71, 76, 136.1, 136.5, or 140, subdivision (d) of Section 148, Section 171b, paragraph (1) of subdivision (a) of Section 171c, Section 171d, 186.28, 240, 241, 242, 243, 243.4, 244.5, 245, 245.5, 246.3, 247, 273.5, 273.6, 417, 417.6, 422, 626.9, 646.9, or 830.95, subdivision (a) of former Section 12100, as that section read at any time from when it was~~

1 enacted by Section 3 of Chapter 1386 of the Statutes of 1988 to
2 when it was repealed by Section 18 of Chapter 23 of the Statutes
3 of 1994, Section 17500, 17510, 25275, 25300, 25800, 30315, or
4 32625, subdivision (b) or (d) of Section 26100, or Section 27510,
5 or Section 8100, 8101, or 8103 of the Welfare and Institutions
6 Code, any firearm-related offense pursuant to Sections 871.5 and
7 1001.5 of the Welfare and Institutions Code, or of the conduct
8 punished in subdivision (c) of Section 27590, and who, within 10
9 years of the conviction, owns, purchases, receives, or has in
10 possession or under custody or control, any firearm is guilty of a
11 public offense, which shall be punishable by imprisonment in a
12 county jail not exceeding one year or in the state prison, by a fine
13 not exceeding one thousand dollars (\$1,000), or by both that
14 imprisonment and fine. The court, on forms prescribed by the
15 Department of Justice, shall notify the department of persons
16 subject to this section. However, the prohibition in this section
17 may be reduced, eliminated, or conditioned as provided in Section
18 29855 or 29860.

19 *SEC. 5. Section 1.5 of this bill incorporates amendments to*
20 *Section 16520 of the Penal Code proposed by both this bill and*
21 *Assembly Bill 500. It shall only become operative if (1) both bills*
22 *are enacted and become effective on or before January 1, 2014,*
23 *(2) each bill amends Section 16520 of the Penal Code, and (3) this*
24 *bill is enacted after Assembly Bill 500, in which case Section 1 of*
25 *this bill shall not become operative.*

26 *SEC. 6. Section 3.5 of this bill incorporates amendments to*
27 *Section 26835 of the Penal Code proposed by both this bill and*
28 *Assembly Bill 231. It shall only become operative if (1) both bills*
29 *are enacted and become effective on or before January 1, 2014,*
30 *(2) each bill amends Section 26835 of the Penal Code, and (3) this*
31 *bill is enacted after Assembly Bill 231, in which case Section 3 of*
32 *this bill shall not become operative.*

33 ~~SEC. 6.~~

34 *SEC. 7. No reimbursement is required by this act pursuant to*
35 *Section 6 of Article XIII B of the California Constitution for certain*
36 *costs that may be incurred by a local agency or school district*
37 *because, in that regard, this act creates a new crime or infraction,*
38 *eliminates a crime or infraction, or changes the penalty for a crime*
39 *or infraction, within the meaning of Section 17556 of the*
40 *Government Code, or changes the definition of a crime within the*

1 meaning of Section 6 of Article XIII B of the California
2 Constitution.

3 However, if the Commission on State Mandates determines that
4 this act contains other costs mandated by the state, reimbursement
5 to local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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